

Rec'd PCT/PTO 21 JUN 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Thomas SCHMEHL et al.

Art Unit: not yet assigned

Application No.: 10/510,040

Examiner: not yet assigned

Filed: October 1, 2004

Attorney Dkt. No.: 12007-0043

For: NEBULIZED LIPOSOMES FOR THE PULMONARY APPLICATION OF DRUG COMPOUNDS (AS AMENDED)

**ASSERTION OF SMALL ENTITY STATUS and
REQUEST FOR REFUND UNDER 37 CFR 1.28**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 21, 2005

Sir:

The Applicants hereby advise the USPTO that they were entitled to claim small entity status when the Basic National Fee was paid on October 1, 2004, and that they are entitled to small entity status for the duration of prosecution of this patent application.

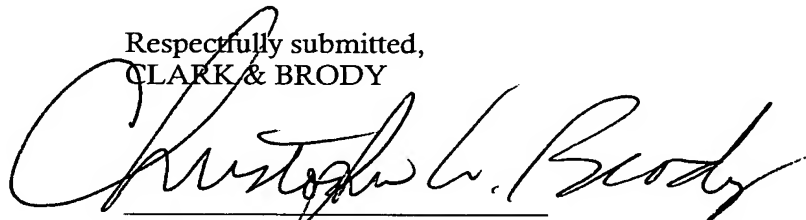
The error to pay large entity fees was made in good faith.

Basic National Fee for Large Entity paid on 10/01/04	\$950.00
Current Basic National Fee for Small Entity	<u>-\$475.00</u>
Amount owed for fee erroneously paid	\$475.00

It is respectfully requested that a refund in the amount of \$475.00 be refunded to Deposit Account 50-1088.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY



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Docket No.: 12007-0043